MELINDA HAAG 1 United States Attorney DONNA L. CALVERT 2 Regional Chief Counsel, Region IX 3 Social Security Administration LYNN M. HARADA, CSBN 267616 4 Special Assistant United States Attorney 160 Spear Street, Suite 800 5 San Francisco, California 94105 6 Telephone: (415) 977-8977 Facsimile: (415) 744-0134 7 E-Mail: Lynn.Harada@ssa.gov Attorneys for Defendant 8 9 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 10 EUREKA DIVISION Case No.: 1:13-cv-03038-NJV 11 JESSE P. PERAZA, STIPULATION AND PROPOSED ORDER 12 Plaintiff, APPROVING SETTLEMENT OF ATTORNEY FEES PURSUANT TO THE 13 VS. EQUAL ACCESS TO JUSTICE ACT, 28 CAROLYN W. COLVIN, U.S.C. § 2412(d), AND COSTS PURSUANT 14 Acting Commissioner of Social Security, TO 28 U.S.C. § 1920 15 Defendant. 16 17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned 18 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees in the amount of 19 FIVE THOUSAND, EIGHT-HUNDRED DOLLARS AND ZERO CENTS (\$5,800.00) under 20 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of 21 THREE HUNDRED AND FIVE DOLLARS (\$305.00) under 28 U.S.C. § 1920. This amount 22 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in 23 connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d). 24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider 25 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. 26 Ratliff, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the 27 fees are subject to any offset allowed under the United States Department of the Treasury's 28

Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to David F. Chermol pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel, including Chermol & Fishman, LLC, may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel and/or Chermol & Fishman, LLC to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

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Dated: June 6, 2014

Dated: June 6, 2014

By:

/s/ Lynn M. Harada for David F. Chermol*

(As authorized by email on 6/6/14) DAVID F. CHERMOL

Attorney for Plaintiff

MELINDA HAAG United States Attorney DONNA L. CALVERT

Regional Chief Counsel, Region IX Social Security Administration

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By:

/s/ Lynn M. Harada LYNN M. HARADA

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND, EIGHT-HUNDRED DOLLARS AND ZERO CENTS (\$5,800.00), as authorized by 28 U.S.C. § 2412(d), and costs in the amount of THREE HUNDRED AND FIVE DOLLARS (\$305.00), pursuant to 28 U.S.C. § 1920, subject to the terms of the above-referenced Stipulation.

Dated: June 6, 2014

THE HONORABLE NANDOR J. VADAS United States Magistrate Judge